

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED	
DEC - 9 2022	
CLERK, U.S. DISTRICT COURT	
By <u>N</u>	Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CHRISTOPHER BRIAN COUBERT #02245499

Plaintiff's Name and ID Number

PRESTON SMITH UNIT, LAMESA, TX
Place of Confinement

2-22 CV-233-Z

CASE NO.

(Clerk will assign the number)

1) BRIAN COUBERT, EXECUTIVE DIRECTOR, TDCJ, P.O. BOX 99, HUNTSVILLE, TX 77342
2) JOE TONAR, WARDEN, BILL CLEMENTS UNIT, 9601 SPUR 591, AMARILLO, TX 79107-9606
Defendant's Name and Address

3) APRIL VELASQUEZ, CAPTAIN, BILL CLEMENTS UNIT, 9601 SPUR 591, AMARILLO, TX 79107-9606
Defendant's Name and Address

4) GRBIN HART, SERGEANT, BILL CLEMENTS UNIT, 9601 SPUR 591, AMARILLO, TX 79107-9606
Defendant's Name and Address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE. ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND *IN FORMA PAUPERIS* (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? YES NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: _____
 2. Parties to previous lawsuit:
Plaintiff(s) _____
Defendant(s) _____
 3. Court: (If federal, name the district; if state, name the county.) _____
 4. Cause number: _____
 5. Name of judge to whom case was assigned: _____
 6. Disposition: (Was the case dismissed, appealed, still pending?) _____
 7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: PRESTON SMITH UNIT, LA MESA, TX

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? YES NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: CHRISTOPHER BRIAN COLBERT
PRESTON SMITH UNIT, 1313 CR 19
LA MESA, TX 79331

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: BRIAN COLLIER, EXEC. DIR. TDCJ
P.O. BOX 99, HUNTSVILLE, TX 77342

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

INDIRECT PARTICIPANT/ OFFICIAL CAPACITY - AS RESPONDANT'S SUPERIOR, LIABLE FOR ALL SUBORDINATES' ACTIONS/IN ACTIONS IN SAFEKEEPING OF ALL INMATES

Defendant #2: JOE TOVAR, WARDEN, TDCJ, BILL CLEMENTS UNIT
9601 SPUR 591, AMARILLO, TX 79107-9606

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

DIRECT PARTICIPANT/ OFFICIAL CAPACITY - LIABLE FOR ALL DEPARTMENTS OBEDIENCE OF POLICIES AT UNIT AND SAFETY OF ALL INMATES, FAILURE TO ACT

Defendant #3: APRIL VELASQUEZ, U.C.I.C., TDCJ, BILL CLEMENTS
CAPTAIN
9601 SPUR 591, AMARILLO, TX 79107-9606

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

DIRECT PARTICIPANT/ OFFICIAL 3 PERSONAL CAPACITIES - FAILED TO ACT WHEN NOTIFIED OF THREATS, RETALIATION, FALSIFYING DOCUMENTS, DENIAL OF SPECIAL HOUSING REQUIREMENT.

Defendant #4: CORBIN HART, SERGEANT, TDCJ, BILL CLEMENTS UNIT
9601 SPUR 591, AMARILLO, TX 79107-9606

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

DIRECT PARTICIPANT/ OFFICIAL 3 PERSONAL CAPACITIES - FAILED TO FOLLOW PROPER PROCEDURE AFTER 1ST ASSAULT, DENIED ME MEDICAL TREATMENT, FAILED TO INVESTIGATE ASSAULT RESULTING IN PROPERTY LOSS AND MULTIPLE VIOLATIONS OF TDCJ POLICY.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

ON 9-14-2020 I WAS ASSAULTED BY MY CELLMATE AT BILL CLEMENTS UNIT, BRIAN EUBANKS. I WAS THEN MOVED TO A CELL WHERE I WAS AGAIN ASSAULTED BY MY CELLMATE ON 10-30-2020, CRAIG BO STENSON. THIS CAUSED ME SEVERE PHYSICAL & EMOTIONAL DAMAGES. IN WRITING, I INFORMED BRIAN COLLIER, EXEC. DIR. TDCJ, WARDEN JOE TOVAR, BILL CLEMENTS UNIT & U.C.C - CLASSIFICATION OF DEATH THREATS & EXTORTION BY MY CELLMATE, BRIAN EUBANKS. ALL 3 PARTIES FAILED TO ACT BEFORE MY ASSAULTS OCCURRED, SHOWING NEGLIGENCE, DELIBERATE INDIFFERENCE, FAILURE TO PROTECT, AND DISCRIMINATION BASED ON MY GENDER IDENTITY, WHICH REQUIRES SPECIAL HOUSING TO PREEMPT INJURY, IN VIOLATION OF THE 8TH AMENDMENT, 14TH AMENDMENT, TO EQUAL PROTECTION OF THE LAW, AND SHOWS A PATTERN OF CAMPAIGN OF HARASSMENT THERE IN.

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

DECALATORY JUDGEMENT AND INJUNCTIVE & COMPENSATORY RELIEF ARE REQUESTED VIA JURY TRIAL

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

CHRIS, CHRISTOPHER, CHRISTIAN - COLBERT

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

#02245499

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES NO

C. Has any court ever warned or notified you that sanctions could be imposed? YES NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date warning was issued: _____

Executed on: 12/3/2022
DATE

CHRISTOPHER BRIAN COBERT
Christopher Brian Cobert
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 3RD day of DECEMBER, 20 22.
(Day) (month) (year)

Christopher Brian Cobert
(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

ATTACHMENT
CONT. STATEMENT OF CLAIM PG 1 OF 7

I WAS ASSAULTED ON 2 SEPARATE OCCASIONS BY 2 SEPERATE CELLMATES AND HAD A 3RD CELLMATE SEXUALLY HARASS ME WHILE I WAS AT BILL CLEMENTS UNIT IN "G5" HOUSING. THE 2 ASSAULTS REQUIRED MEDICAL ATTENTION. I RECEIVED MEDICAL ATTENTION ON THE ASSAULT BY BRIAN EUBANKS ON 9-14-2020. ON THE SECOND ASSAULT WHICH OCCURRED ON 10-30-2020 BY CRAIG BO STENSON I DID NOT RECEIVE MEDICAL ATTENTION. I SENT MEDICAL 3 I-60'S INFORMING THEM I HAD BEEN ASSAULTED AND THEY DID NOT RESPOND. I ALERTED SEVERAL OFFICERS AFTER THE ASSAULT THAT I HAD INJURIES FROM THE ASSAULT AND THEY ALL INFORMED ME TO SEND A I-60 TO MEDICAL. I WAS IGNORED FOR MY REQUEST TO BE CLASSIFIED AS TRANSGENDER WHICH I SENT BY MAIL TO EXECUTIVE DIRECTOR, BRIAN COLLIER / TOCJ ON 8-14-2020. I ALSO TOLD HIM THAT I WAS IN FEAR FOR MY LIFE ON THIS UNIT AND THAT I HAD WRITTEN I-60'S TO WARDEN TOVAR, UNIT CLASSIFICATION, SAFE-PRISON/PREA, MR DUNLAP /PSYCH DEPT., AND THE CHAPLAIN (ALL AT BILL CLEMENTS) ASKING TO BE MOVED TO A SAFE SINGLE CELL FOR TRANSGENDER INMATES AND THAT THEY WERE ALL IGNORING MY REQUESTS. I NOTIFIED ALL PARTIES THAT I WAS RECEIVING DEATH THREATS AND BEING EXTORTED BY MY CELLMATE, BRIAN EUBANKS. I WAS IN "G5" SO I WAS LOCKED UP WITH HIM 24/7 AND COULD ONLY USE MAIL 3 I-60'S TO TRY TO ALERT STAFF OF HIS THREATS. I WAS IN FEAR FOR MY LIFE AND WAS SCARED TO ALERT OFFICERS IN FRONT OF EUBANKS BECAUSE SOMETIMES OFFICERS WILL IGNORE YOU THEN YOU ARE IN MORE SERIOUS HARM. I SENT I-60'S TO ALERT STAFF (WARDEN TOVAR, WCC, SAFE-PRISONS/PREA, PSYCH AND CHAPLAIN ON 8-22-2020 AND HAVE DUPLICATE COPIES STILL. I ALSO RETAINED A COPY OF MY LETTER TO BRIAN COLLIER AND MY I-60 REQUESTS TO MEDICAL FROM THE ASSAULT BY CRAIG BO STENSON.

ON 9-14-2020 BRIAN EUBANKS PUT A FULL WATER BOTTLE IN A SOCK AND HIT ME 8 TO 9 TIMES IN THE HEAD, HAND³ BODY.

PG 2 OF 7

SERGEANT CORBIN HART CAME TO MOVE ME OUT OF THE CELL AFTER EUBANKS ASSAULTED ME. "GS" INMATES ARE REQUIRED TO BE HANDCUFFED BEHIND THEIR BACKS WHICH IS WHAT HART DID TO ME. I ASKED HART TO SECURE MY PROPERTY BEFORE I LEFT THE CELL BUT HART REFUSED AND ESCORTED ME DOWN THE FLIGHT OF STAIRS TO THE SECURITY CAGE BY THE FRONT DESK IN THE SAME BUILDING. I SHOWED HART THE BLOODY GASH ON MY HEAD, CUTS & BRUISES ALL OVER MY BODY AND TOLD HIM I NEED MEDICAL ATTENTION. HART TOLD ME TO WRITE MEDICAL A-I-GO. HART DENIED ME MEDICAL ATTENTION, NOR DID HE PHOTOGRAPH MY INJURIES. HART DID NOT INVESTIGATE THE ASSAULT OR GIVE EUBANKS A DISCIPLINARY CASE. HART BROUGHT ME THE FEW REMAINING ITEMS I HAD LEFT 45 MINUTES LATER IN A GRAY BLANKET. EUBANKS HAD TIME TO STEAL ALL MY PROPERTY. HART PULLED ME OUT OF THE SAFETY CAGE AND HAD ME PICK UP THE PROPERTY IN THE GRAY BLANKET AND MOVED ME TO ANOTHER DORM IN THE SAME BUILDING. I FILED A GRIEVANCE BECAUSE ALL MY PROPERTY WAS MISSING/STOLEN. HART SAID ON THE GRIEVANCE "I HAD THE PROPERTY WITH ME THE WHOLE TIME, PACKED IT AND MOVED IT MYSELF." IMPOSSIBLE BECAUSE MY HANDS WERE CUFFED BEHIND MY BACK. MY HAND WAS INJURED FROM THE ASSAULT WHICH REQUIRED A X-RAY. I ALSO HAD TO GO DOWN A FLIGHT OF STAIRS AND ACROSS THE BUILDING WHICH SHOWS IT IMPOSSIBLE TO CARRY BEHIND MY BACK & HANDCUFFED. STAFF REFUSED TO INVESTIGATE PROPERLY AND VIEW VIDEO FOOTAGE. HART MOVED ME THAT NIGHT TO A CELL THAT I DID NOT HAVE A CELLMATE. 4 DAYS LATER CAPTAIN TURNER CALLED ME IN HER OFFICE AND HAD THE GRIEVANCE ON HART/EUBANKS. SHE PHOTOGRAPHED THE GASH ON MY HEAD, BRUISED HAND & CUTS AND SCRAPES ALL OVER MY BODY. SHE ASK ME TO SIGN A FORM THAT SAID I DID NOT WANT TO FILE A "LIFE ENDANGERMENT CASE - O.P.I. INVESTIGATION AND SINCE I WAS AWAY FROM EUBANKS I AGREED. I WAS FEARFUL TO FILE ON EUBANKS BECAUSE OF HIS GANG AFFILIATION AND A LOT OF THE TIME STAFF/ADMIN AT BILL CLEMENTS WILL PUT YOU BACK IN THE SAME DORM AS THE ASSAULTER.

PG 3 OF 7

I WAS SEEN BY MEDICAL FOR THE CUTS, SWELLING AND BRUISING ON 9-15-2020 AND WAS ONLY GIVEN NON-ASPIRIN. I HAD TO HAVE A X-RAY ON MY INJURED HAND, BECAUSE OF THE PAIN SWELLING AND PUSING. I COULDNT USE MY HAND FOR 7 DAYS AFTER THE ASSAULT. 5 DAYS AFTER THE ASSAULT AND WRITING THE GRIEVANCE ON HART THE CAMPAIGN OF HARRASMENT AND RETALIATION BEGAN. I WAS SAFE IN A CELL WITH NO CELLMATE TRYING TO LET MY PHYSICAL AND EMOTIONAL INJURIES HEAL AND I WAS MOVED INTO A CELL WITH CRAIG BO STENSON, A VIOLENT INMATE WITH 2 LIFE SENTENCES. HE THREATENED ME WITH PHYSICAL VIOLENCE CONTINUOUSLY BECAUSE OF MY FEMININE CHARACTERISTICS AND GENDER FURTHER ENDANGERING MY LIFE, SAFETY AND WELLBEING. ON 10-30-2020 CRAIG BO STENSON HIT ME IN THE FACE WITH HIS SHOE AND PUNCHED ME SEVERAL TIMES IN THE RIBS LEAVING A RED MARK AND SCRATCHES ON MY AND EXTREME PAIN IN MY RIBCAGE MAKING IT DIFFICULT TO BREATHE AND SLEEP AT NIGHT. WARDEN TOVAR WAS AT MY CELLDOOR ON THE DAY OF THE ASSAULT AROUND 2:45 PM PASSING OUT TRAYS FOR CHOW. I TOLD TOVAR THAT STENSON AND I WERE HAVING ISSUES, THAT STENSON TOLD ME I HAVE TO MOVE AND THAT I WAS IN "FEAR FOR MY LIFE," AND NEEDED TO FILE A O.P.I. THIS WAS ALSO IN "G5" AS STENSON WAS DIRECTLY BEHIND ME IN THE CELL AS I WAS TALKING TO THE WARDEN. WARDEN TOVAR TOLD ME "I ----- HEARD YOU, LET ME FINISH FEEDING AND I WILL COME BACK FOR YOU. TD.C.J. POLICY STATES THAT STAFF WILL IMMEDIATELY REMOVE YOU TO SAFETY WHEN YOU ALERT THEM YOUR LIFE IS ENDANGERED, OR YOU ARE BEING THREATENED. TOVAR NEVER REMOVED ME FROM THE CELL WHICH INFURITATED STENSON. STENSON TOLD ME "I WASN'T TRYING TO LEAVE HARD ENOUGH." THEN HE BEGAN TO TERRORIZE ME AND ASSAULT ME. I HAD TO SIT IN THE SAME CELL WITH HIM AFTER THE ASSAULT FOR 4 MORE HOURS UNTIL A NEW SHIFT CAME TO WORK AT 6PM.

PG 4 OF 7

I WAS ABLE TO GET AN OFFICER TO LET ME OUT BY SCREAMING "HE'S GOING TO KILL ME!" WHICH HE WAS THREATENING TO DO IF I DIDN'T LEAVE. I DID FILE A "LIFE-ENDANGERMENT, O.P. I. ON STENSON. I FILED A STEP 1 3 2 GRIEVANCE ON WARDEN TOVAR / STENSON. I SENT 3 I-603 TO MEDICAL TRYING TO GET MEDICAL ATTENTION FOR THE INJURIES AND THEY IGNORED ALL 3 REQUESTS. I ALERTED MULTIPLE OFFICERS WHILE I WAS HOUSED IN O.P. I AND THEY ALL TOLD ME TO SEND MEDICAL AN I-60. STAFF REFUSED TO REVIEW FOOTAGE OF TOVAR AT MY CELL ON DAY OF ASSAULT AND ALSO DENIED THE ASSAULT EVER HAPPENED.

IN APRIL OF 2021 AT BILL CLEMENTS, ADMINISTRATION ONCE AGAIN PLACED ME WITH A CELLMATE NAMED JOE GARRISON. THIS INMATE HAD A HISTORY OF EXTREME VIOLENT BEHAVIOR AND MULTIPLE LIFE SENTENCES. GARRISON HAD JUST BEATEN UP A OFFICER SO BAD IT TOOK 8 OFFICERS TO PRY HIM OFF THE OFFICER, JUST BEFORE THEY MOVED GARRISON INTO MY CELL. GARRISON HAD ALSO JUST BEEN CAUGHT WITH A SHANK. GARRISON TOLD ME THAT HE WAS GOING TO HAVE SEX WITH ME AND IF I REFUSED HE WOULD RAP ME. THIS WAS ALSO "G5." 24/7 LOCKDOWN. I ONLY LIVED WITH GARRISON FOR A FEW HOURS BECAUSE HE STARTED MASTURBATING ON A FEMALE OFFICER AT THE CELLDOR. WHEN A OFFICER CAME TO SERVE HIM THE CASE I WAS ABLE TO ESCAPE AND FILE ANOTHER "O.P. I." I FILED A STEP 1 3 2 GRIEVANCE ON 4 30 2021 FOR SEXUAL HARASSMENT AND RETALIATION FROM U.C.C. / ADMINISTRATION. ONCE AGAIN STAFF REFUSED TO VIEW FOOTAGE OF GARRISON EXPOSING HIMSELF IN FRONT OF ME IN THE CELL AND TACJ DENIED ALL OF MY ALLEGATIONS EVEN WITH GARRISON BEING SERVED A CASE FOR MASTURBATING WHILE IN MY CELL. I FILED A TOTAL OF 6 O.P.I.'S IN A 10 MONTH STAY AT BILL CLEMENTS. EVERY SINGLE O.P.I. I FILED WAS DENIED. EVERY SINGLE STEP 1 3 2 GRIEVANCE

DG 5 OF 7

I FILED WTS DENIED. I BEGGED EVERY OFFICER / STAFF MEMBER I ENCOUNTERED TO PLEASE PUT ME IN SAFE-HOUSING FOR TRANSGENDER AND V.C.C. CONTINUED TO RETALIATE WITH A CAMPAIGN OF HARRASMENT BY CONTINUALLY PLACING ME IN DANGER AND RISKING SERIOUS INJURY AND MY LIFE WITH INMATES THAT I SHOULDVE NEVER BEEN HOUSED WITH. I BELIEVE WHEN THE COURTS REVIEW T.D.C.J. HOUSING POLICIES AND REVIEW EUBANKS, STENSON AND GARRISON'S BACKGROUNDS AND HISTORY THE COURTS WILL SEE MANY POLICY VIOLATIONS, NEGLIGENCE, DELIBERATE INDIFFERENCE, DISCRIMINATION, RETALIATION AND CONSPIRACY TO HARASS.

ON APRIL 29, 2021 I HAD MY ATTORNEY, ROBERT N. VIRDEN FILE A COMPLAINT TO OMBUDSMAN BECAUSE I THOUGHT I WAS GOING TO BE KILLED AND/OR KEEP GETTING SERIOUSLY INJURED.. I NEVER HEARD BACK FROM TDCJ OR OMBUDSMAN ON THESE MATTERS.

I HAVE BEEN DIAGNOSED WITH P.T.S.D. AND HAVE BEEN TAKING MEDICATION FOR 7 YEARS TO HELP ME COPE WITH NIGHT TERRORS, ANXIETY AND P.T.S.D HAVING TO BE EXPOSED AND HOUSED WITH SUCH VIOLENT AND PSYCHOTIC INMATES FOR 10 MONTHS IN "G5" AND BEING IGNORED FOR HELP, PLUS HAVING THE PEOPLE THAT ARE SUPPOSE TO KEEP YOU SAFE TURN AGAINST YOU AND RETALIATE AND HARASS YOU HAS CAUSED DEEP EMOTIONAL DAMAGE RESULTING IN ME LOSING 39 POUNDS WHILE BEING HOUSED AT BILL CLEMENTS. IN FEBRUARY OF 2020 AT LYNAUGH UNIT I WEIGHED 211 POUNDS AND AT THE END OF MY STAY AT BILL CLEMENTS 4/1/2021 I WEIGHED 172.5 POUNDS. MEDICAL STAFF AT BILL CLEMENTS ALSO DENIED ME EXTRA CALORIES TO HELP GAIN SOME WEIGHT BACK.

PG 6 OF 7

EVERY ALLEGATION IS BACKED BY GRIEVANCES AND I-60's WHICH SHOULD BE ON FILE AT T.D.C.J. ARCHIVES (I HAVE COPIES OF ALL IN MY POSSESSION) ALL OCCURANCES AND INJURIES WERE BASED ON DISCRIMINATION (BY T.D.C.J., U.C.C. AND RANKING OFFICERS BECAUSE OF MY TRANSGENDER STATUS. BRIAN COLLIER, EXECUTIVE DIRECTOR HAD PRIOR KNOWLEDGE OF ME BEING TRANSGENDER AND WAITED UNTIL 2 ASSAULTS AND SEXUAL HARASSMENT HAPPENED TO ME TO CLASSIFY ME AS TRANSGENDER. T.D.C.J NEEDS CORRECTION BY THIS COURT. I HAVE EXHAUSTED ALL REMEDIES AVAILABLE TO ME WITH RESPECT TO ALL CLAIMS.

CLAIMS FOR RELIEF

A) AWARD COMPENSATORY DAMAGES JOINTLY AND SEVERALLY AGAINST:

1. DEFENDANTS, WARDEN JOE TOVAR, CAPTAIN APRIL VELASQUEZ, SERGEANT CORBIN HART FOR THE PHYSICAL AND EMOTIONAL INJURIES SUSTAINED AS THE RESULT OF PLAINTIFFS BEATINGS DUE TO ACTIONS/IN ACTIONS IN KEEPING ME SAFE AFTER ALL BEING NOTIFIED OF THE DANGERS IN WRITING AND VERBALLY.
2. DEFENDANT BRIAN COLLIER, FOR PHYSICAL AND EMOTIONAL INJURIES SUSTAINED AS DIRECT RESULTS OF HIS INACTION AFTER NOTIFICATION IN WRITING.
3. DEFENDANT CORBIN HART FOR PHYSICAL AND EMOTIONAL INJURIES SUSTAINED RESULTING FROM HIS DENIAL OF MEDICAL TREATMENT AFTER ASSAULT.

B) 4. AWARD COMPENSATORY DAMAGES FOR DISCRIMINATION

AWARD PUNITIVE DAMAGES JOINTLY AND SEVERALLY AGAINST:

1. DEFENDANT CORBIN HART FOR LOSS OF ALL PROPERTY: RADIO-\$20.00, CLOTHING-\$50.00, FAN-\$20.00, STAMPS-\$10.00, WATER-\$5.00, DEODORANT-\$2.75, TOOTHPASTE-\$2.75, COAX CABLE-\$1.50, COFFEE-\$8.00, COMMISARY PENS AND PAPER-\$5.00 TOTAL \$125.25
2. DEFENDANTS, CORBIN HART, WARDEN JOE TOVAR AND CAPTAIN APRIL VELASQUEZ FOR \$50,000.00 EACH
3. DEFENDANT, BRIAN COLLIER FOR \$50,000.00

PG 7 OF 7

c) GRANT ANY SUCH OTHER RELIEF THAT THIS COURT
DEEMS PLAINTIFF IS ENTITLED TO.

PRAYER

THE PLAINTIFF PRAYS THIS HONORABLE COURT
ACCEPT THIS ATTACHMENT OF CONT. STATEMENT OF
CLAIM WITH CLAIMS FOR RELIEF WITH my #1983
CIVIL RIGHTS COMPLAINT.

RESPECTFULLY Submitted,

INMATE DECLARATION: I SWEAR UNDER PENALTY
OF PERJURY THAT ALL STATEMENTS ARE TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNED ON THIS THE 3RD DAY OF DECEMBER, 2022.

Christopher Brian Colbert

12/3/2022

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U.S. DIST. COURT
NORTHERN DIVISION
205 S. E. 5TH AVE. ROOM 133
AMARILLO, TEXAS 79101-1559

RECEIVED

DEC - 9 2022

CLERK, U.S. DISTRICT COURT
NORTHERN DIVISION, TEXAS

RE: CHRISTOPHER BRIAN LOBERT V. BRIAN LOBERT

GREETINGS.

ENCLOSED YOU WILL FIND A #1983 COMPLAINT (5 PGS),
AN INFORMA PAUPERIS FORM WITH INMATE TRUST FUND
ACCOUNT STATEMENT (3 PGS.), A MOTION FOR APPOINTMENT
OF COUNSEL (1 pg.), ATTACHMENT (7 PGS.), GRIEVANCES
STEP 13, 2 # 2021013313, 2021031910, 2021103929 (7 PGS),
LETTER TO OMBUDSMAN FROM ATTORNEY ROBERT N. VIRGIN (2 PGS.)
(FOR A TOTAL OF # 25 PGS.)

PLEASE SUBMIT TO THE COURT, AT YOUR
CONVENIENCE, ANY/ALL REQUIRED PAPERWORK TO
BEGIN THIS LAWSUIT.

THANK YOU FOR YOUR TIME AND EFFORT
IN THIS MATTER.

SINCERELY,

Christopher Brian Colbert

CCHRISTOPHER BRIAN LOBERT
#02245499

SNITH UNIT

1313 CR 19

LA MESA, TX 79331

SENT CERTIFIED R.R.

U.S.P.S. FIRST CLASS

#7019 2970 0001 1132 5819



CHRISTOPHER COLEBERT
TDCJ#02345499
Smith Unit-TDCJ
1313 Co. Rd. 19
La Mesa, TX. 79331

7019 2970 0001 1132 5819



CLERK OF COURT
U.S. Dist. Ct.
Northern Division, Tx.
205 S. E. 5th Ave.
Room 133
Amarillo, TX 79101-1559

